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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

December 13, 2002

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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Motions

December 13, 2002

Anita Westerhaus moved, with a second by Jean Seeland, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

Jean Seeland moved, with a second by Anita Westerhaus, that in **case number 01-35**, the Board not initiate review of the proposed decision and allow the proposed decision to become the final decision of the Board unless an appeal is taken by one of the parties within the time allowed by rule. Roll call vote: Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes; Aboutd – yes; Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes.

MOTION CARRIED UNANIMOUSLY.

Jean Seeland moved, with a second by Anita Westerhaus, that in **case number 02-01**, the Board accept the proposed decision with the following modification to the Order:

That the second sentence will end after the word “probation,” and the rest of that paragraph will be removed, to read as follows –

IT IS THEREFORE ORDERED that License Number 224206 issued to Cindy Wilcke shall be INDEFINITELY SUSPENDED. It is further ordered that

1 her license shall not be reinstated until she satisfactorily completes all
2 requirements and is discharged from probation.

3 Roll call vote: Jeffrey – yes; Haigh – yes; Carter – yes; Aboud – yes; Seeland –
4 yes; Lewis – yes; Westerhaus – yes; Chen – yes; Paulsen – yes; and Hathaway –
5 yes. **MOTION CARRIED UNANIMOUSLY.**

6
7 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**
8 **02-15**, the Board initiate review of the proposed decision to examine whether
9 the proposed sanction is appropriate in light of the findings. Roll call vote:
10 Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes; Aboud
11 – yes; Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes. **MOTION**
12 **CARRIED UNANIMOUSLY.**

13
14 Jean Seeland moved, with a second by Anita Westerhaus, that in **case**
15 **numbers 02-06** and **02-20**, the Board find that, although one or more of the
16 allegations in the complaint were substantiated by the witnesses interviewed
17 and the documents gathered in the course of the investigation, and the
18 allegations constitute a technical violation of the board's statute or
19 administrative rules, the evidence before the board indicates that the alleged
20 violation was an isolated incident and that adequate steps have been taken to
21 remedy the violation and to ensure that incidents of a similar nature do not
22 occur in the future. Taking into account these circumstances, and the Board's
23 mission to act upon those complaints which involve a threat to the health and
24 safety of students and the public, the Board will not pursue formal disciplinary
25 action in this matter. Roll call vote: Paulsen – yes; Chen – yes; Westerhaus –
26 yes; Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh – yes; Jeffrey –
27 yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

28
29 Anita Westerhaus moved, with a second by Jean Seeland, that **case numbers**
30 **02-17**, **02-18**, and **02-19** be dismissed by the Board, pursuant to Iowa Code
31 section 272.2(15) and Board rule 11.4(8), due to the absence of "good cause"
32 for the Board's failure to resolve the complaints within 180 days from the date

1 of receipt. Roll call vote: Jeffrey – yes; Haigh – yes; Carter – yes; Aboud – yes;
2 Seeland – yes; Lewis – yes; Westerhaus – yes; Chen – yes; Paulsen – yes; and
3 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

4
5 Referring to the November 7, 2002, minutes, Helen Lewis corrected the
6 sentence on page 8, line 14 by inserting the word “to,” so that the sentence
7 reads: Many hours have been devoted to these issues. Anita Westerhaus
8 moved, with a second by Helen Lewis, to approve the

9 November 7, 2002, minutes, as amended. **MOTION CARRIED**
10 **UNANIMOUSLY.**

11
12 William Haigh moved, with second by Jean Seeland, to file under Notice of
13 Intended Action, the proposed changes to the renewal of administrator licenses
14 in Chapter 17. Roll call vote: Paulsen – yes; Chen – yes; Westerhaus – yes;
15 Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh – yes; Jeffrey – yes;
16 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

17
18 William Haigh moved, with a second by Ying Ying Chen, that **in PFW 02-25**,
19 Christopher A. Grier, the Board deny the Petition for Waiver. Roll call vote:
20 Jeffrey – yes; Haigh – yes; Carter – yes; Aboud – yes; Seeland – yes; Lewis – yes;
21 Westerhaus – yes; Chen – yes; Paulsen – yes; and Hathaway – yes. **MOTION**
22 **CARRIED UNANIMOUSLY.**

23
24 Jean Seeland moved, with a second by Brian Carter, that **in PFW-02-26**, Chad
25 C. Steimle, the Board grant the Petition for Waiver. Roll call vote: Paulsen –
26 yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes; Aboud – yes;
27 Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes. **MOTION**
28 **CARRIED UNANIMOUSLY.**

STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East Grand
Des Moines, Iowa 50319-0147

Minutes

December 13, 2002

The Board of Educational Examiners held its monthly meeting on

December 13, 2002

, in Classroom B, Third Floor West, of the State Historical Building. The meeting was called to order by the Board Vice-Chair, Peter Hathaway, at

8:35

a.m. Members attending were John Aboud, Brian Carter, Ying Ying Chen, William Haigh, Peter Hathaway, Judy Jeffrey, Helen Lewis, Thomas Paulsen, Jean Seeland, and Anita Westerhaus. Also in attendance were Dr. Anne Kruse, Executive Director of the Board; Christie Scase, Assistant Attorney General and legal counsel to the Board; Barbara Hendrickson, Board Secretary; and other visitors. Board Member Veronica Stalker was unable to attend the meeting, and Ms. Scase was absent from the afternoon session.

Anita Westerhaus

moved, with a second by Jean Seeland, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

The Board reconvened into open session at 9:20 a.m.

Jean Seeland moved, with a second by Anita Westerhaus, that in **case number 01-35**, the Board not initiate review of the proposed decision and allow the

1 proposed decision to become the final decision of the Board unless an appeal is
2 taken by one of the parties within the time allowed by rule. Roll call vote:
3 Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes;
4 Aboud – yes; Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes.

5 **MOTION CARRIED UNANIMOUSLY.**

6
7 Jean Seeland moved, with a second by Anita Westerhaus, that in **case**
8 **number 02-01**, the Board accept the proposed decision with the following
9 modification to the Order:

10
11 That the second sentence will end after the word “probation,” and the
12 rest of that paragraph will be removed, to read as follows –

13
14 IT IS THEREFORE ORDERED that License Number 224206 issued to
15 Cindy Wilcke shall be INDEFINITELY SUSPENDED. It is further ordered that
16 her license shall not be reinstated until she satisfactorily completes all
17 requirements and is discharged from probation.

18
19 Roll call vote: Jeffrey – yes; Haigh – yes; Carter – yes; Aboud – yes; Seeland –
20 yes; Lewis – yes; Westerhaus – yes; Chen – yes; Paulsen – yes; and Hathaway –
21 yes. **MOTION CARRIED UNANIMOUSLY.**

22
23 Anita Westerhaus moved, with a second by Jean Seeland, that in **case number**
24 **02-15**, the Board initiate review of the proposed decision to examine whether
25 the proposed sanction is appropriate in light of the findings. Roll call vote:
26 Paulsen – yes; Chen – yes; Westerhaus – yes; Lewis – yes; Seeland – yes; Aboud
27 – yes; Carter – yes; Haigh – yes; Jeffrey – yes; and Hathaway – yes. **MOTION**
28 **CARRIED UNANIMOUSLY.**

29
30 Jean Seeland moved, with a second by Anita Westerhaus, that in **case**
31 **numbers 02-06** and **02-20**, the Board find that, although one or more of the
32 allegations in the complaint were substantiated by the witnesses interviewed
33 and the documents gathered in the course of the investigation, and the
34 allegations constitute a technical violation of the board’s statute or

1 administrative rules, the evidence before the board indicates that the alleged
2 violation was an isolated incident and that adequate steps have been taken to
3 remedy the violation and to ensure that incidents of a similar nature do not
4 occur in the future. Taking into account these circumstances, and the Board's
5 mission to act upon those complaints which involve a threat to the health and
6 safety of students and the public, the Board will not pursue formal disciplinary
7 action in this matter. Roll call vote: Paulsen – yes; Chen – yes; Westerhaus –
8 yes; Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh – yes; Jeffrey –
9 yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

11 Anita Westerhaus moved, with a second by Jean Seeland, that **case numbers**
12 **02-17, 02-18,** and **02-19** be dismissed by the Board, pursuant to Iowa Code
13 section 272.2(15) and Board rule 11.4(8), due to the absence of “good cause”
14 for the Board's failure to resolve the complaints within 180 days from the date
15 of receipt. Roll call vote: Jeffrey – yes; Haigh – yes; Carter – yes; Aboud – yes;
16 Seeland – yes; Lewis – yes; Westerhaus – yes; Chen – yes; Paulsen – yes; and
17 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

19 Referring to the November 7, 2002, minutes, Helen Lewis corrected the
20 sentence on page 8, line 14 by inserting the word “to,” so that the sentence
21 reads: Many hours have been devoted to these issues. Anita Westerhaus
22 moved, with a second by Helen Lewis, to approve the

23 November 7, 2002, minutes, as amended. **MOTION CARRIED**
24 **UNANIMOUSLY.**

26 Board Member Brian Carter reported on an acquaintance who was completing
27 requirements for the substitute authorization. Mr. Carter was informed that it
28 would take about one to two weeks to obtain the authorization, once
29 application has been made.

31 Board Member Judy Jeffrey acknowledged the resignation of Department of
32 Education Practitioner Program Consultant Dr. Sandra Renegar. A

1 replacement has been hired, to begin full time in the middle of June, with a
2 contracted employee to provide services in the interim.

3
4 Executive Director Dr. Anne Kruse distributed to board members copies of their
5 own new practitioner licenses, which are attractively suitable for framing, while
6 also printed on security paper. Issuance to new and renewing members of the
7 public will begin in January. Others may obtain a new copy for a \$10 fee.
8 Practitioners will be made aware of the availability of the new license through a
9 variety of means such as *The Des Moines Register* and practitioner organization
10 newsletters and communiqués. Dr. Kruse acknowledged the diligence of staff
11 members Dr. Gary Borlaug and David Morgan in bringing the project to
12 fruition.

13
14 Dr. Kruse also mentioned the following: approval of joint and individual AEA
15 proposals for the substitute authorization program; presentation of a piece on
16 standards to the Missouri Department of Elementary and Secondary Education
17 and one on teacher testing to the deans and department chairs of the Iowa
18 Association of Independent Colleges; a positive meeting with two
19 representatives of the U. S. General Accounting Office regarding teacher testing
20 and highly qualified teachers; approval of the endorsement application for the
21 George Washington Carver teacher education program, which is a joint degree
22 by ISU, Simpson College and DMACC for minority working adults; a strong
23 movement nationally to have community colleges begin to prepare teachers;
24 and feedback plus a handout on material covered at the sixth annual
25 professional practices institute in Rhode Island.

26
27 William Unger, ISEA Staff Counsel, spoke at the time of Public Comment and
28 addressed the issue of Iowa attorney general prosecution of complaints before
29 the Board. He presented a handout that indicated concerns about the
30 application of some specific rules and asked the Board to delay once again a
31 Notice of Intended Action, until the Board takes the opportunity to consider
32 matters that pertain to the process and substance of the related administrative
33 rules.

1
2 Christie Scase, Assistant Attorney General and legal counsel to the Board,
3 recommended that the Board not take action at this meeting on the issue of
4 Iowa attorney general prosecution of complaints before the Board. Having
5 reviewed ISEA's written stance from the November meeting, which she was
6 unable to attend, Ms. Scase stated that the vast majority of the issues raised
7 did not have a direct connection or correlation to the attorney general
8 prosecution proposal because they were mostly topics that arose out of the
9 case screening procedures, the investigative process, and the hearing
10 procedures rules that are applicable to all parties appearing before the Board
11 from Chapter 11 and references to professional practices criteria from Chapters
12 12 and 13. Of direct bearing, however, and requiring some further
13 consideration before the proposed rule is moved forward, was a series of points
14 on the attorney-client relationship regarding representation, privilege, and
15 settlement, and how the attorney general's stepping into the position of
16 prosecutor would impact the complainant's role in the proceedings. Ms. Scase
17 further advocated that formal action be taken no later than the March board
18 meeting. Board Vice-Chair Peter Hathaway urged staff and interested agencies
19 to understand that a substantive rule proposal on this matter is a priority of
20 the Board.

21
22 The Board had previously adopted proposed rules in Chapter 14 with regard to
23 the fee structure for the evaluator or administrative license. These rules
24 needed to be replicated in the renewal section of administrator licenses in
25 Chapter 17. William Haigh moved, with second by Jean Seeland, to file under
26 Notice of Intended Action, the proposed changes to the renewal of
27 administrator licenses in Chapter 17. Roll call vote: Paulsen – yes; Chen – yes;
28 Westerhaus – yes; Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh
29 – yes; Jeffrey – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

30
31 Christopher A. Grier filed a Petition for Waiver of the requirement for
32 completion of a portion of the academic prerequisites prior to issuance of a
33 two-year conditional license to teach multioccupations. Mr. Grier had

1 completed none of the requisite coursework and had accumulated only slightly
2 over one half of the occupational experience required for the endorsement. The
3 Board believed that either Mr. Grier or his employer should have verified his
4 qualifications to teach multioccupations before he was assigned to the task. In
5 addition, due to Mr. Grier's limited teaching experience of less than two years,
6 the on-the-job safety instruction provided to students and insurance to cover
7 potential claims were insufficient to protect the public health, safety, and
8 welfare. William Haigh moved, with a second by Ying Ying Chen, that **in PFW**
9 **02-25**, Christopher A. Grier, the Board deny the Petition for Waiver. Roll call
10 vote: Jeffrey – yes; Haigh – yes; Carter – yes; Aboud – yes; Seeland – yes; Lewis
11 – yes; Westerhaus – yes; Chen – yes; Paulsen – yes; and Hathaway – yes.

12 **MOTION CARRIED UNANIMOUSLY.**

13

14 Chad C. Steimle desired a waiver of the requirement for three years of teaching
15 experience prior to issuance of an Iowa elementary and/or secondary principal
16 license. He has taught religion for nine years in an accredited parochial
17 school; he has been subject to the same evaluation process and has had the
18 same type of contract as other Iowa-licensed teachers employed by the school.
19 In addition, he holds an Illinois Type 75 K-12 administrator's license. Other
20 than possession of an Iowa teaching license, which is not required in this
21 circumstance, Mr. Steimle has otherwise completed the prerequisites for
22 issuance of the license he seeks. Board staff was directed to require Mr.
23 Steimle to present verification of his Iowa teaching experience and information
24 regarding the level at which the experience has occurred, at the time of his
25 application for an Iowa administrator's license. Jean Seeland moved, with a
26 second by Brian Carter, that **in PFW-02-26**, Chad C. Steimle, the Board grant
27 the Petition for Waiver. Roll call vote: Paulsen – yes; Chen – yes; Westerhaus –
28 yes; Lewis – yes; Seeland – yes; Aboud – yes; Carter – yes; Haigh – yes; Jeffrey –
29 yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

30

31 Licensure Consultant Susan Fischer reported on administrator licensure
32 proposals from the Leadership Partnership Committee. The group is made up
33 of representatives from various organizations, the Board of Educational

1 Examiners, and practicing teachers and administrators, who have looked at
2 various aspects of administration and made recommendations for change.
3 After two to three years of study, a final meeting was held, and the suggestions
4 will go to the State Board of Education, which commissioned the group. Ms.
5 Fischer listed the following proposals: 1) reduce the number of administrative
6 licenses from two to one; 2) reduce the number of administrative
7 endorsements to two; 3) prefile a bill to allow the exceptional learner course to
8 be verified through competent performance, not just coursework; 4) allow
9 waiver of (or permit by rule) teaching experience or administrative experience
10 on the basis of competent administrative experience in another state; 5)
11 investigate competency-based alternative licensure possibilities for the
12 superintendent endorsement; 6) study a tiered licensing system for future
13 administrators based on the assumption of limited managerial administrative
14 duties by teachers; 7) permit required collective professional development for
15 schoolwide improvement to count toward administrator license renewal credit.

16
17 The Board recessed from 10:45 a.m. to 10:55 a.m.

18
19 Christie Scase, Assistant Attorney General and legal counsel to the Board, said
20 she thought the existence of Board authority to require a pre-student teaching
21 license was debatable. The Board then discussed avenues for monitoring
22 conduct and subsequent disciplining of unethical behavior on the part of a
23 student teacher. Executive Director Dr. Anne Kruse was emphatic about the
24 necessity of background checks on student teachers, completed before they
25 begin their service. Such investigation would then also be accepted for an
26 applicant's initial license.

27
28 The Board recessed for lunch at 11:15 a.m. and reconvened at 12:30
29 p.m.

30
31 Discussion continued after lunch on the rationale and options for screening
32 student teachers.

1 Anita Walker, Director of the Iowa Department of Cultural Affairs, welcomed
2 the Board to the State Historical Building. She gave a presentation on some of
3 the things that the department is doing to contribute to the fine education that
4 children and adults across Iowa are receiving. She said cultural institutions
5 across the state have strong partnerships with local schools. She mentioned
6 the pilot Museum School project; the annual History Day research project; the
7 Big Yellow School Bus field trip grant; and the newest exhibit, *Honor the Colors*.
8 Ms. Walker also distributed booklets of a recently completed study of country,
9 town and city schools in Iowa.

11 The Board turned to discussion of the definition of a “highly qualified teacher.”
12 Executive Director Dr. Anne Kruse reported on a recent review of the status of
13 Iowa implementation of No Child Left Behind (NCLB) by members of the U. S.
14 General Accounting Office. She saw none of the serious deficiencies the GAO
15 has noted in other states. Critical to the issue, however, were important
16 differences in perspective between Iowa’s standards and those promulgated by
17 NCLB. Board Member Judy Jeffrey contributed to the deliberation meaningful
18 information from her position with the Iowa Department of Education. Angie
19 King of ISEA said she wanted to commend and thank Ms. Jeffrey and Iowa
20 Department of Education Director Ted Stilwill publicly for their energy and
21 efforts on behalf of the state. She said Iowa is fortunate to have such
22 committed people who understand what needs to be done in a positive way.

24 The Board was reminded that there will be a joint Board meeting with the State
25 Board of Education from 8:30 a.m. to 10:00 a.m. on January 17, 2003, in the
26 Grimes Building, with the regular BoEE meeting to follow.

28 There being no further business, Board Vice-Chair Peter Hathaway
29 adjourned the meeting at 1:41 p.m.